

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

1.) PAULA BERNHARDT,)	
)	
Plaintiff,)	
vs.)	Case No: 22:cv-162-KEW
)	
1.) GOBER TRUCKING, INC.,a corporation,)	Pittsburg County Case No. CJ-2021-142
2.) DONALD JOSEPH ROE,)	
an individual.,)	
)	
Defendants.)	
)	
)	
)	

NOTICE OF REMOVAL

Defendant Gober Trucking Inc., (“Gober”) appears by and through its attorney of record, Brently C. Olsson, and pursuant to 28 USC §§1332, 1441, 1446, files this Notice of Removal of the above-styled cause to the United States District Court for the Eastern District of Oklahoma. In support, Defendant Gober respectfully shows the Court as follows:

I. PROCEDURAL HISTORY

1. This action is now pending in the District Court of Pittsburg County, as above-captioned, and docketed as number CJ-2021-142. State Court documents served upon Gober are the Petition, attached hereto as **EXHIBIT 1** and the Summons, attached **EXHIBIT 2**. The docket sheet is attached as **EXHIBIT 3**.

2. This case is a civil action. According to the nature of the allegations and prayer for damages, the matter in controversy, exclusive of interest and costs, exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), as confirmed by the allegations contained in

EXHIBIT 1 at paragraph 2. Plaintiff has alleged damages actual and punitive that total over \$75,000 as in the prayer of Plaintiff's petition.

3. Plaintiff initially filed this lawsuit in the District Court of Pittsburg County on September 8, 2021 (**EXHIBIT 1**) and Plaintiff served Defendant Gober on or about April 8, 2022. (**EXHIBIT 2**).

II. NATURE AND FACTS OF PLAINTIFF'S CAUSE OF ACTION

4. As alleged in Plaintiff's Petition (**EXHIBIT 1**), Plaintiff is bringing an action for personal injuries allegedly resulting from Defendant's negligence (**EXHIBIT 1**)

5. The subject motor vehicle accident occurred on or about September 10, 2019, on U.S. Highway 69 in the city of McAlester, Oklahoma. (**EXHIBIT 1 page 2 ¶7**)

6. The lawsuit arises out of an auto accident, wherein Plaintiff Paula Bernhardt alleges she sustained personal injury as a result. (**EXHIBIT 1 page 2 ¶8 and page 6 "prayer paragraph"**).

7. Plaintiff's Petition alleges that as a result of the motor vehicle accident, he has damages in the amount in excess of \$75,000 for her personal injuries. (**EXHIBIT 1 page 6 "prayer paragraph"**)

III. DIVERSITY OF CITIZENSHIP

8. Plaintiff Paula Bernhardt alleges she is a citizen of the State of Oklahoma. (**EXHIBIT 1 page 1 ¶2**)

9. Plaintiff incorrectly states that Defendant Gober Trucking, Inc. is a corporation organized by the State of Oklahoma. This is false. In fact, Gober is organized under the State of Texas with its principal place of business located at 647 Hardy Avenue, Corsicana, Texas (**EXHIBIT 4 Articles of Incorporation and EXHIBIT 5 Safer Company Snapshot.**)

10. Plaintiff correctly alleges that defendant driver Donald Joseph Roe is a citizen of the State of Texas.

11. Accordingly all of the parties to this action have diverse citizenship as required by 28 USC § 1441 for the Court to have diversity jurisdiction.

IV. AMOUNT IN CONTROVERSY

12. Plaintiff's Petition alleges that as a result of the motor vehicle accident, she is entitled to recover an amount in excess of \$75,000 for her personal injuries and. (**EXHIBIT 1**) The matter in controversy, exclusive of interest and costs, exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00).

V. CONCLUSION

13. Federal subject matter jurisdiction in this action exists by reason of diversity of citizenship and an amount in controversy that exceeds the sum of \$75,000.00, exclusive of interest and costs, pursuant to 28 U.S.C.A. § 1332(a).

14. The removal of this action is authorized by 28 U.S.C.A. § 1441(a), which allows the removal of any civil action brought in a state court of which the District Courts of the United States has original jurisdiction.

WHEREFORE, Defendant Gober Trucking, Inc. prays that the Court assume original jurisdiction of this cause and proceed with it to completion, and to enter such orders and judgments as may be necessary to protect its jurisdiction, or as justice may require.

JURY TRIAL DEMANDED

Respectfully Submitted,

s/Brently C. Olsson
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Attorney for Defendant Gober Trucking, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the same date this Notice of Removal was filed in the United States District Court for the Eastern District of Oklahoma, a true and correct copy of said Notice of Removal was served upon the above-named Plaintiff by mailing a true and correct copy of the same to the following:

William J. Ervin, Jr.

s/Brently C. Olsson
Brently C. Olsson

I further certify that a copy of this Notice of Removal is being sent to the Court Clerk of the Pittsburg County District Court, 115 East Carl Albert Parkway, McAlester, Oklahoma 74501.

s/Brently C. Olsson
Brently C. Olsson